

EXHIBIT

3

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

COMPOUND PROPERTY	:	
MANAGEMENT LLC, et al.,	:	Case No. 1:19-CV-00133
	:	
Plaintiffs,	:	
	:	Judge Douglas R. Cole
v.	:	
	:	
BUILD REALTY, INC. dba GREENLEAF	:	
FUNDING, et al.,	:	
	:	
Defendants.	:	

**DECLARATION OF AMY LECHNER IN SUPPORT OF PLAINTIFFS’
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

I, Amy Lechner, declare as follows:

1. Under penalties as provided by law pursuant to 28 U.S.C. § 1746, I certify that the statements set forth in this instrument are true and correct, except as to matters herein stated to be on information and belief, and as to such matters, I certify that I believe the same to be true.

2. I am a Program Manager for privacy matters at Simpluris, Inc. (“Simpluris”). Simpluris is a national full-service class action notice and claims administrator based in Costa Mesa, California.

3. Simpluris has been administering class action settlements for over fifteen years, in which time we have been appointed in over 9,000 cases and distributed over \$7 billion in funds. Our leadership team has nearly 150 years of combined industry experience that includes some of the largest class action administrations in the United States, including *In re: Equifax, Inc., Customer Data Security Breach*, Case No. 1:17-md-2800 (N.D. Ga.) and *In re: Premera Blue Cross Customer Data Security Breach*, Case No. 3:15-md-2633 (D. Or.). Recent representative cases include *Cordova et al v. United Education Institute et al*, Case No. 37-2012-00083573, Cal.

Sup. Ct. (San Diego); *Shuts v. Covenant Holdco, LLC*, Case No. RG10551807, Cal. Sup. Ct. (Alameda); *Hamilton et al v. Suburban Propane Gas Corp.*, Case No. BC433779, Cal. Sup. Ct. (Los Angeles); *Upadhyay et al v. Prometheus Real Estate Group*, Case No. 1-08-CV-118002, Cal. Sup. Ct. (Santa Clara); *Starke v. Stanley Black & Decker Inc.*, Case No. C-03-CV-21-001091, Md. Cir. Ct. (Baltimore); and *Hale v. Manna Pro Products LLC*, Case No. 2:18-cv-00209 (E.D. Cal.).

4. Simpluris has been selected by counsel in the captioned matter to serve as the class action Settlement Administrator in this case. The administration will be governed by the estimate submitted by Simpluris on November 11, 2024, for a total of administration costs not to exceed \$13,000.00. Any material changes in scope will require appropriate written approval or authorization by the parties. A true and correct copy of Simpluris' administration estimate is attached hereto as **Exhibit A**.

5. Per the terms of the Settlement Agreement, in the course of this administration Simpluris will be charged with, among other responsibilities:

6. Disseminating notice of the proposed Settlement in compliance with the requirements of the Class Action Fairness Act, 28 U.S.C. Sec. 1711, et seq. ("CAFA"), to be served upon the appropriate State official in each State where a Class Member resides and the appropriate federal official;

7. Sending a Short Form Notice of the Settlement to eligible Class Members to provide information on how to file a claim, the deadline to do so, and other relevant dates;

8. Prior to mailing direct notice, Simpluris will compare Class Member addresses provided by the parties against the National Change of Address Database ("NCOA") maintained by the U.S. Postal Service ("USPS"). The NCOA contains changes of address filed with the USPS. Class member addresses will be updated as appropriate based on NCOA results.

9. If a mailed notice is returned without a forwarding address, Simpluris will perform a public records search, commonly called a “skip trace,” utilizing available class member information to locate a current address. Simpluris will remail direct notice to the newly-located address or a forwarding address, if provided by the USPS.

10. Sending an emailed Short Form Notice of the Settlement to eligible Class Members to provide information on how to file a claim, the deadline to do so, and other relevant dates, and skip tracing for additional email addresses if the initial emailed notice is unsuccessful;

11. Developing and maintaining an interactive settlement website that will host relevant settlement documents, as well as allow eligible Class Members to submit claims electronically;

12. Processing incoming claims, requests for exclusion, objections, and related class correspondence for payment from the Common Fund;

13. Calculating the amounts due to each Class Member pursuant to the Settlement;

14. Processing check payments to Class Members who make valid claims;

15. Establishing and maintaining a 26 CFR § 1.468B-1 compliant Qualified Settlement Fund;

16. Preparing and filing all applicable tax forms and tax returns with state and federal agencies; and

17. Reporting on the status of the claims and distribution as required by the parties and Court.

18. The proposed notice plan, consisting of direct notice by mail and email notification, interactive settlement website, and communication with Class Members via telephone, represents “the best notice that is practicable under the circumstances” and will fully comply with the requirements set forth in Fed. R. Civ. P. 23(c)(2)(B).

19. The proposed administration as a whole will fully implement the Settlement Agreement reached by the Settling Parties.

I declare under penalty of the perjury under the laws of the United States that the foregoing is true and correct. Executed on December 20, 2024, at Philadelphia, Pennsylvania.



AMYLECHNER

EXHIBIT A



3194-C Airport Loop Drive
Costa Mesa, CA 92626
800-779-2104
www.simpluris.com

Estimate Number:	20241107-PJI-07	Prepared By:	Patrick Ivie
Estimate Date:	11/11/2024	Telephone Number (mobile):	310.995.6455
Estimate Expiration Date:	2/9/2025	Email:	pivie@simpluris.com

	<u>Primary Contact</u>	<u>Additional Contact</u>
Name:	W. B. Markovits, Esq.	Attorney:
Firm:	Markovits, Stock & DeMarco, LLC	Firm:
Email:	bmarkovits@msdlegal.com	Email:

Case Name: House Flipping Fraud Settlement

Assumptions

In addition to the assumptions enumerated below, this estimate assumes that

- (1) Simpluris will receive data in a single, complete file; (2) there will be no substantial change to class size or in response rate;
- (3) administration costs will be paid from the QSF, and (4) Simpluris will submit revisions to this estimate to account for any material changes to scope.

Anticipated Class Size:	250	Undeliverable Rate:	8%
Available Mailing Addresses:	223	Mail Skip Trace Success Rate:	75%
Available Email Addresses:	288	Email Skip Trace Success Rate:	70%
Claims Rate:	50%	Call Rate:	c/o Finney Law Firm
Opt-out Rate:	1%	Average Call Length:	N/A
Language(s) for Communication	EN	Fund Distribution:	Simpluris
Reminder Mailing:	N/A	Number of Distributions:	2
Unclaimed Funds:	Cy Pres	Count of Payments:	125
State(s):	TBD	Digital Payments (0%):	0
Length of Administration:	9 Months	Check Payments (100%):	125
		Tax Year(s):	2

Case Setup

- Class website: data capture website hosting case documents, FAQs, etc. - the site will include a module intended to securely capture the tax id number for the LLC or, if there is none, the social security number of the owner
- There is already a settlement website that Simpluris could potentially take over - BuildRealtyClassAction.com
- Data compilation: develop case-specific response tracking

Category	Unit Value	# of Units	Total
Project Manager - Case Setup	\$125.00	2	\$250.00
Data Capture Class Website	\$1,750.00	1	\$1,750.00
Website Hosting and Security Monitoring and Tracking	\$90.00	9 Months	\$810.00
Database Manager - Initial Data Analysis	\$140.00	2	\$280.00
Total:			\$3,090.00

Notice and Communications

- Concurrent mailed notice and email notice
- The long form notice packet will be a 6 page notice, a 1 page claim form and a #9 BRM envelope
- The claim form will be a physical means to capture the tax ID or SSN
- At least one additional round of reminder emails
- Additional rounds of mailed notice can be implemented if needed at an approximate cost of \$800/round

Category	Unit Value	# of Units	Total
Initial Mailed and Emailed Notice			
Long Form Notice Packet	\$2.00	223	\$446.00
Postage	\$0.72	223	\$160.56
NCOA/CASS/LACS	\$0.20	223	\$44.60
Undeliverable Processing and Skip Trace	\$0.35	18	\$6.30
Remail Notice (assuming 75% skip trace success)	\$2.25	14	\$31.50
Remail Postage	\$0.72	14	\$10.08
Mailing Supervisor	\$50.00	2	\$100.00

Establish Email Campaign	\$350.00	1	\$350.00
Email Notice	\$0.04	288	\$11.52
Undeliverable Processing and Skip Trace	\$0.35	24	\$8.40
Re-email Notice (assuming 70% skip trace success)	\$0.04	17	\$0.68
IT Associate	\$125.00	1	\$125.00
<u>Reminder Emailed Notice</u>			
Establish Email Campaign	\$350.00	1	\$350.00
Email Notice	\$0.04	281	\$11.24
Undeliverable Processing	\$0.20	23	\$4.60
IT Associate	\$125.00	1	\$125.00
Total:			\$1,785.48

Administration

- Process incoming counsel communications, claims, opt-outs, and objections
- The Finney Law Firm would respond to email questions or phone calls regarding the settlement, not Simpluris

Category	Unit Value	# of Units	Total
Database Manager	\$140.00	2	\$280.00
Project Manager	\$125.00	3	\$375.00
Claims Processing (blended online/physical)	\$1.50	125	\$187.50
Prepaid Postage (25% of filed claims)	\$0.85	32	\$27.20
Opt-out Processing	\$1.75	2	\$3.50
Weekly Reporting to Counsel	\$100.00	8	\$800.00
Total:			\$1,673.20

Award Disbursement #1

- Establish 26 CFR § 1.468B-1 compliant Qualified Settlement Fund ("QSF")
- Disburse award payments and tax documents; assuming 100% mailed payments
- Conduct regular and annual IRS-mandated QSF reporting and reconciliation (one per calendar year)
- Complete all required filings with state and federal tax authorities

Category	Unit Value	# of Units	Total
Disbursement Data Preparation	\$140.00	2	\$280.00
Disbursement Manager - Data Validation	\$100.00	1	\$100.00
Setup Banking Account/QSF	\$675.00	1	\$675.00
QSF Monthly Reconciliation and Maintenance	\$100.00	5	\$500.00
Print & Mail Check and Tax Documents	\$0.60	125	\$75.00
Postage	\$0.72	125	\$90.00
Process Returned Checks (assuming 5%)	\$0.25	7	\$1.75
Skip Trace Search Undeliverable Checks	\$0.35	7	\$2.45
Remail Checks (includes postage)	\$1.35	7	\$9.45
QSF Annual Tax Reporting and Reconciliation	\$850.00	1	\$850.00
Distribution Manager	\$125.00	1	\$125.00
Total:			\$2,708.65

Award Disbursement #2

- Second distribution to those that cash the first check (assuming an 85% check cashing rate)

Category	Unit Value	# of Units	Total
Disbursement Data Preparation	\$140.00	1	\$140.00
Disbursement Manager - Data Validation	\$100.00	1	\$100.00
QSF Monthly Reconciliation and Maintenance	\$100.00	4	\$400.00
Print & Mail Check and Tax Documents	\$0.60	106	\$63.75
Postage	\$0.72	106	\$76.50
Process Returned Checks (assuming 5%)	\$0.25	6	\$1.50
Skip Trace Search Undeliverable Checks	\$0.35	6	\$2.10
Remail Checks (includes postage)	\$1.35	6	\$8.10
QSF Reporting and Final Declaration	\$500.00	1	\$500.00
QSF Annual Tax Reporting and Reconciliation	\$850.00	1	\$850.00
Distribution Manager	\$125.00	1	\$125.00
Total:			\$2,266.95

Case Completion

- Final audit and review
- Send final declaration and reporting to counsel

Category	Unit Value	# of Units	Total
Data Manager-Final Reporting	\$140.00	2	\$280.00
Clerical-Clean Up Any Misc.	\$50.00	1	\$50.00
Project Manager-Wrap-up Final Issues	\$125.00	2	\$250.00
Total:			\$580.00

Total Estimated Cost of Administration:	\$12,104
Less Client Courtesy Discount:	-\$2,000
Discounted Total:	\$10,104
Not-to-Exceed Total:	\$13,000